

REPORT OF THE COMMITTEE ON LEGISLATION, INTERGOVERNMENTAL & VETERANS RELATIONS

September 16, 2008

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Suffredin, Vice Chairman Silvestri, Commissioners Beavers, Butler, Claypool, Collins, Daley, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica, Quigley, Schneider and Sims (16)

Absent: Commissioners Steele (1)

Also Present:

Ladies and Gentlemen:

Your Committee on Legislation, Intergovernmental & Veterans Relations of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, September 16, 2008 at the hour of 10:00 AM in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and, upon adoption of this report, the recommendations are as follows:

295310 COOK COUNTY COMMISSION ON HUMAN RIGHTS (APPOINTMENT)
Transmitting a Communication from Todd H. Stroger, President, Cook County Board of Commissioners:

I hereby appoint **ENOCH CLARKE-BEY** to the Cook County Commission on Human Rights for a term to begin immediately and expire July 1, 2010.

I submit this communication for your approval.

***Referred to the Committee on Legislation, Intergovernmental & Veterans Relations on 07-22-08.**

Vice Chairman Silvestri, seconded by Commissioner Butler, moved the approval of Communication Number 295310. The motion carried.

295880 SELECTION COMMITTEE'S CHOICE FOR INDEPENDENT INSPECTOR GENERAL. Transmitting a Communication, dated July 31, 2008 from Todd H. Stroger, President, Cook County Board of Commissioners:

The correspondence from the Independent Inspector General Selection Committee (the "Committee") transmits the identity of its selection for the Office of Independent Inspector General. The Committee has selected Mr. Patrick Blanchard.

As stated in the Committee's correspondence, the Committee interviewed the three (3) candidates, set forth in the Cook County Bar Association/Chicago Bar Association Joint Search Committee's (the "Joint Search Committee") Candidate List, on Wednesday, July 30, 2008, and selected Mr. Patrick Blanchard by a majority vote of the Committee. The Committee's correspondence also notes State's Attorney Devine's abstention from the voting process.

Pursuant to § 2-282(b)(1)(b) of the Independent Inspector General Ordinance (the "Ordinance"), I hereby submit the Committee's selection for the office of Independent Inspector General for your consideration at the County Board meeting scheduled for Wednesday, September 3, 2008.

Pursuant to § 2-282(b)(1)(c) of the Ordinance, the Board of Commissioners must call a vote for Mr. Patrick Blanchard's appointment to the Office of Independent Inspector General no later than Wednesday, September 17, 2008.

Please note that the office of Independent Inspector General is not a Presidential Appointment; rather, the Committee has recommended Mr. Patrick Blanchard to you, the Cook County Board of Commissioners, according to the independent selection process set forth in the Ordinance.

As you will recall, in an effort to bring about transparency and accountability, I voluntarily removed myself from the appointment process set forth in the Ordinance which I sponsored. The appointment and selection process required the Cook County Bar Association and the Chicago Bar Association to submit, to me, a Candidate List naming three (3) duly qualified candidates. The bar associations conducted a national search with the assistance of Hudson Recruitment and Talent Management; Hudson reviewed greater than three hundred twenty-eight (328) applications and résumés, from which Hudson created a subgroup of one hundred sixteen (116) highly qualified candidates. Hudson conducted additional screening and interviews of the highly qualified subgroup and created a slate of eleven (11) extremely qualified candidates from which the bar associations selected the members of the Candidate List.

Upon my receipt of the Candidate List from the bar associations, and in accordance with § 2-282(b)(1)(b) of the Ordinance, I publicly submitted the Candidate List to the Committee, at the July 22, 2008 Board Meeting, for the Committee's review, interview, and selection of a candidate to be submitted to the full Board of Commissioners.

Lastly, I am grateful to the members of the Committee: Commissioner Jerry Butler, Commissioner John P. Daley, Commissioner Peter N. Silvestri, Commissioner Gregg Goslin, State's Attorney Richard A. Devine, and Marynic Foster, Esq., Acting Director of the Cook County Board of Ethics, for promptly convening and fulfilling their important role in this independent selection process.

***Referred to the Committee on Legislation, Intergovernmental & Veterans Relations on 09-03-08.**

Commissioner Daley, seconded by Commissioner Moreno moved approval of the nomination of Patrick Blanchard by the Selection Committee.

Mr. Patrick Blanchard, Division Chief, Special Litigation Division, Cook County State's Attorney's Office, delivered an opening statement to the Committee:

Chairman Suffredin entered into the record the following letters which are in support of Mr. Blanchard's approval:

Benjamin S. Wolfe of The Roger Baldwin Foundation of the ACLU; Lawrence Ruffallo, Assistant Director of the Illinois Institute of Technology Graduate Program in Public Administration; Theodore A. Woerthwein of Woerthwein & Miller; Diane L. Redleaf of the Family Defense Center; Michael E. Dorrlar, SJ, of The Jesuits, Chicago Province of the Society of Jesus.

Chairman Suffredin also entered into the record a letter from Julia M. Nowicki, Cook County Compliance Administrator, a letter from Commissioner Peraica to President Todd H. Stroger dated August 8, 2008, and a letter from President Todd H. Stroger to Commissioner Peraica dated September 2, 2008.

Chairman Suffredin asked the Secretary to the Board to call upon the registered public speakers, in accordance with Cook County Code, Sec. 2-108(dd):

1. Michael L. Shakman – Plaintiff in Shakman and Democratic Organization, et al.,

Mr. Shakman stated that he found Mr. Blanchard's proposed appointment a conflict of interest, given his work in the State's Attorney's Office, and further stated that he would seek the intervention of the federal courts if this appointment were made.

2. Richard Devine – Cook County State's Attorney

Mr. Devine stated that he believes Mr. Blanchard to be a person of high integrity, and that, in his representation of Cook County, Mr. Blanchard was acting in his professional capacity. He further stated that he sees no conflict of interest in the appointment of Mr. Blanchard to the position of IIG.

3. George Blakemore – Concerned Citizen

Chairman Suffredin called on the Commissioners to pose any questions they might have to Mr. Blanchard.

Chairman Suffredin called for a Roll Call on Item 295880, the vote of yeas and nays being as follows:

ROLL CALL ON MOTION TO APPROVE ITEM 295880

Yeas: Chairman Suffredin, Vice Chairman Silvestri, Commissioners Butler, Claypool, Daley, Goslin, Maldonado, Moreno, Murphy and Sims (10)

Nays: Commissioners Gorman, Quigley and Schneider (3)

Present: Commissioner Collins (1)

Absent: Commissioners Beavers, Peraica and Steele (3)

Divided: None (0)

The motion to approve CARRIED.

295886 A RESOLUTION REGARDING COOK COUNTY ELECTED OFFICIALS' FORFEITURE OF PENSIONS FOR FELONY CONVICTIONS (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Gregg Goslin, County Commissioner; Co-Sponsored by Anthony J. Peraica, County Commissioner.

PROPOSED RESOLUTION

A RESOLUTION URGING COOK COUNTY TO INTRODUCE AND THE ILLINOIS GENERAL ASSEMBLY TO APPROVE LEGISLATION, MODELED AFTER H.R. 14: CONGRESSIONAL INTEGRITY AND PENSION FORFEITURE ACT OF 2007, TO AMEND THE COOK COUNTY PENSION CODE BY ADDING SPECIFIC LANGUAGE REGARDING COOK COUNTY ELECTED OFFICIALS' FORFEITURE OF PENSIONS FOR FELONY CONVICTIONS

WHEREAS, in 2007, Representative Mark Kirk introduced H.R. 14: Congressional Integrity and Pension Forfeiture Act of 2007, which outlined all of the offenses that would be reason for a Member of Congress to forfeit their pension; and

WHEREAS, even though, in the Cook County Pension Code (40 ILCS 5/9), the word "officials" is listed under the definition of "employee", the Code makes a distinction throughout between "employees" and "officials", including its title "County Employees' and Officers' Annuity and Benefit Fund - Counties Over 3,000,000 Inhabitants"; and

WHEREAS, Section 40 ILCS 5/9-235, of the Code, which requires the forfeiture of Cook County Pensions when an employee is convicted of a felony, includes Cook County elected officials, it is misleading and possibly open to dispute; and

WHEREAS, the Cook County Pension Code should be strengthened to make it clear that Cook County elected officials will also forfeit their pensions if convicted of a felony; and

WHEREAS, this amendment to the Cook County Pension Code will make a statement to Cook County Taxpayers that Cook County elected officials' pledge to uphold the Constitution and laws of the United States, as well as the public trust; and

WHEREAS, taxpayers should not pay for the retirement benefits of Cook County elected officials who have been convicted of a felony.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners requests that Cook County's Springfield lobbyists draft legislation and have it introduced, in the General Assembly, to amend 40 ILCS 5/9, using H.R. 14 as a model, to make it clear that Cook County elected officials will forfeit their pension if convicted of a felony, and

BE IT FURTHER RESOLVED, that the Cook County Board of Commissioners urges the General Assembly to take action by passing this legislation;

BE IT FURTHER RESOLVED, that copies of this Resolution shall be distributed to Governor Rod R. Blagojevich, Senate President Emil Jones, Jr., Speaker of the House Michael J. Madigan, Senate Republican Leader Frank C. Watson, House Republican Leader Tom Cross, and Members of the Illinois General Assembly from Cook County.

***Referred to the Committee on Legislation, Intergovernmental & Veterans Relations on 09-03-08.**

COMMUNICATION NUMBER 295886

SUBSTITUTE RESOLUTION

Sponsored by
THE HONORABLE GREGG GOSLIN, COUNTY COMMISSIONER

A RESOLUTION URGING COOK COUNTY TO INTRODUCE AND THE ILLINOIS GENERAL ASSEMBLY TO APPROVE LEGISLATION, MODELED AFTER H.R. 14: CONGRESSIONAL INTEGRITY AND PENSION FORFEITURE ACT OF 2007, TO AMEND THE COOK COUNTY PENSION CODE BY ADDING SPECIFIC LANGUAGE REGARDING COOK COUNTY ELECTED OFFICIALS' FORFEITURE OF PENSIONS FOR FELONY CONVICTIONS

WHEREAS, in 2007, Representative Mark Kirk introduced H.R. 14: Congressional Integrity and Pension Forfeiture Act of 2007, which outlined all of the offenses that would be reason for a Member of Congress to forfeit their pension; and

WHEREAS, even though, in the Cook County Pension Code (40 ILCS 5/9), the word “officials” is listed under the definition of “employee”, the Code makes a distinction throughout between “employees” and “officials”, including its title “County Employees’ and Officers’ Annuity and Benefit Fund - Counties Over 3,000,000 Inhabitants”; and

WHEREAS, section 40 ILCS 5/9-235, of the Code, which requires the forfeiture of Cook County Pensions when an employees are convicted of a felony, includes Cook County elected officials, it is misleading and possibly open to dispute; and

WHEREAS, the Cook County Pension Code should be strengthened to make it clear that Cook County elected officials will also forfeit their pensions if convicted of a felony relating to or arising out of or in connection with his/her service as a public official and for these purposes Section 9-235, “service as an employee” should include without limitation, service as an elected or appointed official or officer; and

WHEREAS, this amendment to the Cook County Pension Code will make a statement to Cook County Taxpayers that Cook County elected officials’ pledge to uphold the Constitution and laws of the United States, as well as the public trust and ; and

WHEREAS, furthermore, this amendatory act of the General Assembly shall be construed as being declarative of existing law and not as a new enactment; and

NOW, THEREFORE BE IT RESOLVED, the Cook County Board of Commissioners requests that Cook County’s Springfield lobbyists draft legislation and have it introduced, in the General Assembly, to amend 40 ILCS 5/9, using H.R. 14 as a model, to make it clear that Cook County elected officials will forfeit their pension if convicted of a felony.

BE IT FURTHER RESOLVED, the Cook County Board of Commissioners urges the General Assembly to take action by passing this legislation.

BE IT FURTHER RESOLVED, copies of this resolution shall be distributed to Governor Rod R. Blagojevich, Senate President Emil Jones, Jr., Speaker of the House Michael J. Madigan, Senate Republican Leader Frank C. Watson, House Republican Leader Tom Cross, and members of the Illinois General Assembly from Cook County.

Commissioner Goslin, seconded by Commissioner Gorman, moved the approval of the Substitute Ordinance for Communication Number 295886. The motion carried.

Commissioner Daley moved to adjourn the meeting, seconded by Commissioner Sims. The motion carried and the meeting was adjourned.

Respectfully submitted,
Committee on Legislation,
Intergovernmental & Veterans
Relations

Larry Suffredin, Chairman

Attest:

Matthew B. DeLeon, Secretary

** The audio recording for this meeting is available from the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.